

Appl. No. 10/706,104
Docket No. 9118M
Amdt. dated December 9, 2008
Reply to Office Action mailed on June 13, 2008
Customer No. 27752

REMARKS

Interview Summary

Applicants wish to thank the Examiner for the telephonic interview on December 2, 2008. During the interview, the Applicants and the Examiners discussed entrance of the declaration and accompanying data into the record. Applicants were advised to resubmit the declaration and data. Also discussed were possible claim amendments, though no specific agreements were made.

Claim Status

Claims 18-21, 24-29, 31, 32, 34, and 36 are pending in the present application.

Claims 22 and 23 are canceled without prejudice. Claims 1-17, 30, 33 and 35 have previously been canceled without prejudice.

Claims 18, 21, 28, 32, and 34 have been amended to specify the retentive agents and their amounts. Support for the amendments is found in the specification on page 7, line 31 to page 8, line 2, and in the attached declaration and data submitted under 37 CFR § 1.132.

In addition, new claim 36 has been added. Support for this new claim is found in the specification on page 7, line 31 to page 8, line 2, and in the attached declaration and data.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Declaration

As discussed with the Examiner in the telephonic interview, Applicants are resubmitting the attached declaration and data under 37 CFR § 1.132. The declaration is by one of the inventors of the present invention and offers additional support that the present

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invention is not obvious over Lawlor and other references. Applicants respectfully request entrance of the declaration and data.

Rejection Under 35 USC §103(a) Over Lawlor in view of La Rochelle taken with Aberg

Claims 18-21, 24-29, 31, 32, and 34 remain rejected under 35 USC §103(a) over Lawlor (US 6,706,256) in view of La Rochelle (US 4,157,386) taken with Aberg (WO 88/10110). Applicants contend that Lawlor in view of La Rochelle and Aberg does not establish a *prima facie* case of obviousness because there is no motivation to combine the cited references, and even if combined, the references do not teach or suggest all of the claim limitations in the amended claims.

As specified in amended claim 18, the present invention provides an oral care dentifrice composition comprising from about 7% to about 25% hydroxyethylcellulose and carboxymethylcellulose, wherein the composition forms an intact hydrated mass that is visible on 2 to 7 molar or premolar surfaces for 5 minutes to 60 minutes after a person chews two tablets and brushes his or her teeth.

Applicants argue that the amended claims are not obvious from the references. Lawlor contemplates an oral care composition containing antibacterial seed or pulp extract formulated to treat or prevent oral malodour. Lawlor does not teach or suggest, and one of ordinary skill in the art would not make the leap to consider, an oral care composition that hydrates and forms a sticky mass in the user's teeth that remains for as long as 60 minutes. Similarly, neither La Rochelle or Aberg disclose, or teach or suggest, the present invention's claim that the composition is retained in the teeth for an extended period of time.

The Office Action notes that Lawlor discloses the present invention's retentive agents in the range of the present invention. But Applicants argue that the amended claims, which limit the retentive agents to two specific compositions (hydroxyethylcellulose and carboxymethylcellulose) in a narrower range (see bottom of page 7 of specification), emphasize that the present invention's claim limitation of forming a hydrated mass that remains visible up to 60 minutes, is unexpected and not suggested or envisioned by Lawlor's broad ranges.

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Furthermore, Applicants assert that the current claims, and particularly amended claims 32 and 34 and new claim 36, are supported by the attached declaration and data submitted under 37 CFR § 1.132. The declaration and data show that an embodiment of the present invention (called “Bullseye,” comprising about 7% hydroxyethylcellulose and about 4% carboxymethylcellulose), remained visible on tooth surfaces even 30 minutes after chewing, while other samples (Lawlor example 8, Eclipse chewing gum, and a BreathSavers mint), were not visible on tooth surfaces after just 5 minutes. This data affirms and underlines the unexpected results and unique properties of the present invention, from Lawlor and other samples, particularly when using the specific retentive agents in the narrower amounts as reflected in the amended claims.

In short, the current claims are not obvious, because the present invention performs in a very particular way that the cited references do not perform and never contemplated performing. Applicants respectfully submit that the present invention is nonobvious over the cited references and that the claims are in condition for allowance.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date: December 9, 2008
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